

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEONARD TERRY LICHT,

Plaintiff,

v.

TINA LING and LUXKEY.NET,

Defendants.

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Civil Action No. 3:23-CV-1018-X

ORDER

Before the Court is Plaintiff Leonard Licht's Emergency Motion to Extend Temporary Restraining Order ("TRO"). [Doc. 15]. The Court granted Licht's request for a 14-day *ex parte* TRO on May 10, 2023. On May 23, 2023, the Court granted Licht's request to extend the TRO for 14 days pursuant to Federal Rule of Civil Procedure 65 and Licht's showing of good cause for the extension.

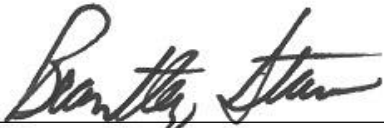
Now, Licht requests a second 14-day extension of the TRO. Rule 65(b)(2) states that an *ex parte* TRO is "not to exceed 14 days" in duration "unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension." The TRO's initial 14 days have expired, the Court already granted a 14-day extension, and the adverse parties have not consented to a longer extension. The Fifth Circuit has noted that Rule 65 allows an extension of "one additional [14]-day period" and cautioned that "[a]n *ex parte* order that purports to

be of indefinite duration is a preliminary injunction rather than a temporary restraining order.”¹

Rule 65 prohibits the Court from granting Licht’s request for a second extension. Thus, the Court **DENIES** the motion. The TRO will expire at 5:00 p.m. on the date of this order, June 7, 2023.

Per Rule 65(b)(3), the Court will set Licht’s motion for a preliminary injunction for a hearing “at the earliest possible time,” which will not be possible until the parties have appeared.

IT IS SO ORDERED this 7th day of June, 2023.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

¹ *United States v. Holy Land Foundation for Relief and Development*, 445 F.3d 771, 789 (5th Cir. 2006), *overruled in part on other grounds by* 493 F.3d 469 (5th Cir. 2007) (en banc).